



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSION

OCTOBER 13, 2009

CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA

COMMISSIONERS

CHAIR, WAYNE TANDA
VICE-CHAIR, COMMISSIONER JOSEPH H. MUELLER
COMMISSIONER ROBERT L. ESCOBAR
COMMISSIONER NANCY K. HART
COMMISSIONER SUSAN KOEPP-BAKER
COMMISSIONER JOHN LIEGL
COMMISSIONER JOHN A. MONIZ

REGULAR MEETING - 7:00 P.M.

*** A G E N D A ***

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

PLANNING COMMISSION AGENDA

OCTOBER 13, 2009

PAGE 2

DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

ORDERS OF THE DAY

MINUTES: September 22, 2009

(September 15, 2009 Minutes will be considered at meeting of October 27, 2009)

PUBLIC HEARINGS:

Time Estimate

- 1) **20 Minutes** **CONDITIONAL USE PERMIT AMENDMENT, UPA-05-13: MADRONE-TMOBILE/VERIZON:** A request to amend an existing Conditional Use Permit to allow for the installation of nine panel antennas for wireless telecommunications on an existing water tank and an enclosed area for equipment cabinets and generator. The site is located at the southeast corner of Monterey Rd and Madrone Pwky and zoned PUD. (APN 726-35-026)

Recommendation: Open Public Hearing/Adopt Resolution approving the request.

OTHER BUSINESS:

**NOTE: IF ADDITIONAL TIME IS NEEDED FOR THIS ITEM, THE PLANNING COMMISSION
WILL CONSIDER CONTINUING THE PUBLIC HEARING TO OCTOBER 19TH, 20TH OR 27TH.**

- 2) **120 Minutes** **DOWNTOWN SPECIFIC PLAN AND MASTER EIR:** Public hearing to develop a recommendation to the City Council regarding proposed adoption of the 2009 Downtown Specific Plan (*consisting of the July 2008 Draft Specific Plan as modified by the October 2009 Addendum*) and certification of a Master Environmental Impact Report (EIR), including associated General Plan and Zoning Map and Text Amendments. The area affected includes the 18 blocks within the Specific Plan boundaries, defined as Main Avenue on the north, Butterfield Blvd to the east, Dunne Avenue at the south, and Del Monte Avenue on the west, as well as "Block 19" and "Block 20" and the "CC-R" zoning district, as described in the Proposed 2009 Downtown Specific Plan and October 8, 2009 Addendum to the Specific Plan. A summary description of the proposed General Plan and Zoning Amendments follows:

The Specific Plan will establish new land use designations and development regulations for most parcels within the Specific Plan boundaries, including modified parking requirements. Proposed land use regulations include but are not limited to modification of the *Mixed Use* land use designation and creation

PLANNING COMMISSION AGENDA

OCTOBER 13, 2009

PAGE 3

a new *Central Business District* (CBD) zoning district within the Downtown Core, and for a 6.2 acre site between Butterfield Boulevard and the Caltrain commuter train station, which is currently designated *Public Facilities* and is the site of the Caltrain parking lot. The land use designations and zoning near Dunne Avenue and Fifth Street would change from *Multi-Family Low* (5-14 dwelling units per acre) to *Multi-Family Medium* (14-21 dwelling units per acre). Outside of the Specific Plan 18-block boundary, the maximum density for parcels zoned *Central Commercial/Residential District* (CC-R) would increase from 18 units per acre to 20 units per acre on properties located north, south and west of the Specific Plan boundary. Additionally, on “Block 19” approximately 2.1 acres of the Britton School play field fronting Monterey Road would be redesignated and rezoned from *Public Facilities* to *Mixed Use* and CC-R zoning, increasing maximum density from 18 to 20 units per acre. Additionally, on “Block 20” approximately 10 acres of the block at the southwest corner of Dunne Avenue and Monterey Road would be redesignated and rezoned from *Commercial* to *Multi-Family Medium* and *Mixed Use* and *Medium Density Residential* (R3) and CC-R zoning, respectively.

In addition to the General Plan and Zoning Amendments associated with adoption of the Downtown Specific Plan, other related General Plan and Zoning Amendments are proposed in support of the Downtown Specific Plan, including modifications to the definitions of the “*Mixed Use*” and “*Multi-Family Medium*” and “*Non-Retail Commercial*” land use designations; allowing parking structures as a conditional use in the “*ML–Light Industrial*” zoning district; and adoption of “*Commercial Use Overlay District*” for Block 20 and a “*Commercial Administrative Use Permit*” process for Block 20, so that commercial use could continue to occur in the interim before redevelopment of the block is feasible.

Mitigation measures have been identified to address potentially significant environmental impacts to the extent feasible, however mitigations are not feasible for certain road intersections and they would operate below the established Level of Service D+, therefore impacts on these intersections are considered significant and unavoidable.

Note that the Downtown Specific Plan itself does NOT propose any changes to the roadway network or LOS Policies (i.e. narrowing Monterey Road to 2 lanes is NOT proposed). No circulation changes are proposed by the Specific Plan itself; the Plan will accommodate any amendments that the City Council may decide to make, including the possibility of narrowing Monterey Road to 2 lanes and exempting the downtown core from the LOS policy standard. The City Council *may* consider certain changes early in 2010 in conjunction with the General Plan Circulation Element Update; check the city website in the “Community Development, Planning, Transportation” section for information.

Recommendation: Hold a Public Hearing, and take the following actions:

- A) Adopt Resolution recommending certification of the Final Master EIR;
- B) Adopt Resolution recommending adoption of the Downtown Specific Plan and associated General Plan and Zoning Map and Text Amendments;
- C) Adopt Resolution recommending adoption of the General Plan and Zoning Amendments for Block 19, Block 20, and the CC-R zoning district;
- D) Adopt Resolution recommending adoption of the General Plan and Zoning Amendments supportive of the Downtown Specific Plan including modifications to the definitions of the “*Mixed Use*” and “*Multi-Family Medium*” and “*Non-Retail Commercial*” land use designations; allowing parking structures as a conditional use in the “*ML–Light Industrial*” zoning district; and adoption of “*Commercial Use Overlay District*” for Block 20 and a “*Commercial Administrative Use Permit*” process for Block 20.

PLANNING COMMISSION AGENDA

OCTOBER 13, 2009

PAGE 4

- 3) **10 Minutes** **DRAFT RDCS POLICIES:** Discussion of possible modifications of RDCS Policies: (1) Exception to Loss of Building Allocation (ELBA) Policy, (2) On-Going Project Allocation Policy.

Recommendation: Review and, by minute action, approve forwarding the proposed policies to the City Council for adoption.

- 4) **5 Minutes** **SCHEDULE FOR REVIEW OF PROJECT APPLICATIONS FOR THE
UPCOMING RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)
COMPETITION**

Recommendation: Approve schedule by minute action.

- 5) **3 Minutes** **MULTI-FAMILY VACANCY RATE REPORT:** Biannual review of apartment vacancy rate as required in accordance to the Morgan Hill Municipal Code, Chapter 17.36

Recommendation: Approve report with recommendation to forward to the City Council for approval

TENTATIVE AGENDA FOR THE OCTOBER 27, 2009 MEETING

- SD-09-05/DA-09-04/EA-09-22: E. Dunne-Jasper Park
- AP-09-01: Campoli-Cox
- DAA-05-13D: Jarvis-So. Valley Dev.
- DAA-06-03D: Jarvis-So. County Housing
- DAA-05-01E/DSA-07-02C: Cochrane-Mission Ranch
- DAA-05-02E/DSA-07-03C: Cochrane-Lupine
- DAA-04-05: Barrett-Villas of San Marcos
- RDCS Quarterly Report
- Draft Housing Element

ANNOUNCEMENTS

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

PLANNING COMMISSION AGENDA

OCTOBER 13, 2009

PAGE 5

NOTICE
AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the Planning Commission less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the Planning Commission. (Pursuant to Government Code 54957.5)